

NEBRASKA DEPARTMENT  
OF INSURANCE

AUG 28 2003

FILED

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

STATE OF NEBRASKA	)	
DEPARTMENT OF INSURANCE,	)	
	)	FINDINGS OF FACT,
PETITIONER,	)	CONCLUSIONS OF LAW,
	)	RECOMMENDED ORDER AND
	)	ORDER
VS.	)	
	)	
VICTOR B. YOUNG,	)	
	)	CAUSE NO. A-1510
	)	
RESPONDENT.	)	

This matter came on for hearing on the 27th day of August, 2003, before Michael Boyd, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Christy Neighbors. Victor B. Young ("Respondent") was not present and was not represented by an attorney. The proceedings were tape recorded by Sue Kuzelka, a licensed Notary Public. Evidence was introduced, and the matter was taken under advisement. As a result of the hearing, the Hearing Officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent is a licensed resident Nebraska insurance producer whose current registered address with the Department is Falls City Insurance Center, 1201 Harlan Street, Falls City, NE, 68355.
2. The Department is the agency of the State of Nebraska charged with licensing insurance agents and brokers.

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3. The Department filed a Petition and Notice of Hearing on or about July 15, 2003, that were served upon the Respondent by mailing the same to his address of record by certified mail, return receipt requested. Respondent received the Petition and Notice of Hearing on July 17, 2003, as evidenced by the return receipt card attached to Exhibit #4.

4. The Department, in its Petition, alleged that Respondent violated Neb. Rev. Stat. § 44-4059(1) (b) which states that the Director may impose a fine, suspend or revoke an insurance producer's license if that person has been "violating any insurance law, or violating any rule, regulation, subpoena, or order of the director or of another state's insurance commissioner or director;" as a result of the following conduct:

- a. During the ongoing investigation of the Crystal Beal complaint, Barbara Ems, an investigator with the Department of Insurance's Consumer Affairs Division, wrote to the Respondent, on or about March 5, 2003, requesting that he provide the Department with information regarding the complaint. Said inquiry was sent via first class U.S. mail. The Respondent failed to respond to the Department's March 5, 2003 letter within fifteen working days after receipt of the inquiry.
- b. On or about April 1, 2003, Jane Francis, Administrator of the Consumer Affairs Division, sent Respondent a second notice letter with a copy of the Barbara Ems letter of March 5, 2003. The Respondent was advised that his requested response to that letter had not been received, and informed that Neb. Rev. Stat. 44-1525 (11) required a response within fifteen working days. Said inquiry was sent via certified mail, return receipt requested. On or about April 3, 2003, Respondent received the inquiry as evidenced by the return receipt card attached to Exhibit #3. The Respondent failed to respond to the Department within fifteen working days after receipt of the inquiry.

### CONCLUSIONS OF LAW

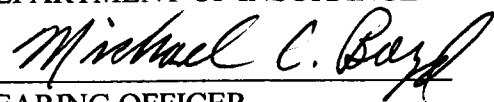
1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to Neb.Rev.Stat. § 44-101.01, and § 44-4047 et seq.
2. The Department has personal jurisdiction over Respondent.
3. The Respondent violated Neb.Rev.Stat. §§ 44-1525(11) and 44-4059(1)(b).

### RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that the Respondent shall pay an administrative fine of \$1,000 within thirty (30) days of the date the Director of Insurance signs this Order. Further, the Respondent shall fully cooperate with the Department's Consumer Affairs Division inquiry into the Crystal Beal complaint by providing complete and detailed written responses to any and all requests received from the Department related to its investigation of that complaint. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department to make application for such further orders as may be necessary.

Dated this 28<sup>th</sup> day of August, 2003.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

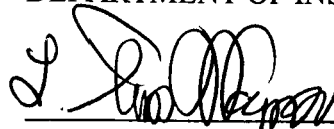
  
HEARING OFFICER

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska Department of Insurance v. Victor B. Young, Cause No. A-1510.

Dated this 28<sup>th</sup> day of August, 2003.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



L. TIM WAGNER  
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing a copy to Respondent at Falls City Insurance Center, 1201 Harlan Street, Falls City, NE 68355 by certified mail, return receipt requested, on this 2 day of <sup>September</sup>~~August~~, 2003.

